

City Council Agenda

Council President
Clinton J. Olivier

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Lee Brand

Sal Quintero
Larry Westerlund
Blong Xiong – Acting President

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

August 16, 2012

1:00 P.M. ROLL CALL

Invocation by Reverend Michele Racusin of the Holy Family Episcopal Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Councilmember Quintero

Honoring Sponsors & Supporters of the 2012 Movies in the Park: Back to School Night – Councilmember Baines

Presentation of P.R.I.D.E. Team Certificates – (Reception immediately following – 2ND floor foyer)

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of [July 26, 2012](#)

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

A. [Actions pertaining to a license agreement with Delta Global Services, Inc. – Airports Department](#)

1. Adopt CEQA Categorical Exemption pursuant to Guidelines Section 15301 (Existing Facilities) to authorize a non-exclusive license agreement with Delta Global Services, Inc. to conduct commercial aviation ground handling and support services at Fresno Yosemite International Airport

Action Taken:

2. Authorize Director of Aviation to execute a non-exclusive license agreement to conduct commercial aviation ground handling and support services between Delta Global Services, Inc. and the City of Fresno to provide ground handling services at Fresno Yosemite International Airport, for a term of three (3) years

Action Taken:

B. [Approve responses to the 2011-2012 Grand Jury Report – City Manager's Office](#)

Action Taken:

C. [Designation of Acting President Blong Xiong as voting delegate and City Manager Mark Scott and Council President Clint Olivier as voting alternates for League of California Cities annual business meeting on September 7, 2012 – City Manager's Office](#)

Action Taken:

D. [BILL – \(For introduction\) – Amending Article 7, Section 6, of the Fresno Municipal Code relating to administration and collection of transient occupancy tax and Tourism Business Improvement District Assessments – Finance Dept.](#)

Action Taken:

CONTESTED CONSENT CALENDAR

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 1:00 P.M.** **HEARING** to consider a resolution of public use and necessity for the acquisition of a portion of APN 477-021-23, owned by La Jolla Loans, a California Corporation, for the construction of a ponding basin for the adjacent Veterans Home and the widening of Marks Avenue south of California Avenue **(Property located in District 3)** – Public Works Department
Action Taken:
a. * **RESOLUTION** - That the public interest and necessity require and authorize eminent domain for acquisition of a portion of APN 477-021-23, owned by La Jolla Loans, a California Corporation, for the construction of a ponding basin for the adjacent Veterans Home and the widening of Marks Avenue south of California Avenue **(Requires 5 affirmative votes)**
Action Taken:
- 1:15 P.M.#1** **CONTINUED HEARING** to consider the consolidation of Urban Growth Management (UGM) Oversize Sewer Service Areas No. 1 - 44 into a single UGM area-wide Oversize Sewer Service Area **(Property located in Districts 1 – 6)** – Public Works Department **(Continue to August 30, 2012 at 10:15 a.m.)**
Action Taken:
- 1:15 P.M.#2** **JOINT MEETING OF THE HOUSING SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND THE FRESNO REVITALIZATION CORPORATION AND THE CITY COUNCIL**
- Approve Successor Agency minutes of July 26, 2012
Action Taken:
- Approve Fresno Revitalization Corporation minutes of July 26, 2012
Action Taken:
- A. **JOINT RESOLUTION** - Of the City of Fresno as the Successor Agency to the Redevelopment Agency of the City of Fresno and the Fresno Revitalization Corporation approving the Recognized Obligation Payment Schedule (ROPS) from January – June 2013 **(Successor Agency & Fresno Revitalization Corporation action)**
Action Taken:
- ADJOURN**
- 4:00 P.M.** Execute a consulting agreement, not to exceed \$200,000 with HF&H Consultants, LLC (HF&H), for the purpose of soliciting, evaluating and recommending one or more proposers to perform residential collection services – Department of Public Utilities
Action Taken:

GENERAL ADMINISTRATION

- A. Actions pertaining to the construction of the water main replacement project in the Howard Heights area **(Property located in Districts 4 and 7)** –Department of Public Utilities
1. Adopt the Environmental Finding of a Finding of Conformity for Environmental Assessment No. EA-11-017 dated December 9, 2011, concluding the Howard Heights water main replacement project is fully within the scope of the Master Environmental Impact Report (MEIR 10130) and Mitigated Negative Declaration for Plan Amendment A-09-02 (Air Quality MND)
Action Taken:
 2. * **RESOLUTION** - 5th amendment to the Annual Appropriation Resolution (AAR) No. 2012-125 appropriating \$4,949,800 for award of a construction contract for the water main renewal project in the Howard Heights Area **(Requires 5 affirmative votes)**
Action Taken:
 3. Award a construction contract with West Valley Construction Company, Inc. in the amount of \$4,949,772.90 for the construction of the water main replacement project in the Howard Heights area, which is bounded by Fountain Way, Maple Avenue, University Avenue, and Cedar Avenue
Action Taken:

GENERAL ADMINISTRATION CONTINUED

- B. Award a requirements contract in the amount of \$984,977.04 to complete Coach Works of Riverside, California for labor to remove and replace engines, catalysts, and transmissions on twenty (20) transit buses – Transportation Department
Action Taken:
- C. Actions pertaining to the construction of the water main replacement and sewer main construction project bounded by Kings Canyon, Butler, Fowler and Armstrong Avenues (*Property located in District 5*) – Department of Public Utilities
1. Adopt the Environmental Finding of a Finding of Conformity for Environmental Assessment No. EA-11-018 dated December 09, 2011, concluding the Butler-Fowler water main replacement and sewer main construction project is fully within the scope of the Master Environmental Impact Report (MEIR 10130) and Mitigated Negative Declaration for Plan Amendment A-09-02 (Air Quality MND)
Action Taken:
 2. * **RESOLUTION** - 7th amendment to the Annual Appropriation Resolution (AAR) No. 2012-125 appropriating \$2,719,700 for award of a construction contract for the water main renewal project in the Butler/Fowler Area (*Requires 5 affirmative votes*)
Action Taken:
 3. Award a construction contract with West Valley Construction Company, Inc. in the amount of \$2,719,676.00 for the construction of the water main replacement and sewer main construction project bounded by Kings Canyon, Butler, Fowler and Armstrong Avenues
Action Taken:
- D. Consider and adopt the Environmental Finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. EA-12-009, pursuant to the California Environmental Quality Act, and approve a \$1.8 million HOME Investment Partnerships Program Agreement with the Housing Authority of the City of Fresno for demolition of the Droge Building (located at 802 Van Ness Ave./APN: 468-252-05) and the D. Yezdan building (located at 814 Van Ness Ave./APN: 468-252-06), and redevelopment of the sites into a four-story residential workforce housing/retail development – Development and Resource Management Department
Action Taken:
- E. Approve the issuance of the Request for Proposals (RFP) and seek bids to construct the Universally Accessible Park (UAP) and to direct staff to enter into negotiations with Resources for Independence Central Valley (RICV) for an annual operations agreement (*Property located in District 1*) - PARCS
Action Taken:

CITY COUNCIL

- A. **RESOLUTION** - Amending Resolution 2003-228 relating to the card room permit held by Club One Casino by increasing the number of card room tables from 49 to 51 – Councilmember Baines
Action Taken:

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** Lawrence Azevedo v. City of Fresno, et al. United States District Court Case No. 09-CV-00375 AWI DLB
Action Taken:

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

1. Appearance by Laurie Ann Keith-James to discuss her concerns regarding the Section 8 Housing Choice Program

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Aug.	23 -	10:00 A.M.	CONTINUED HEARING to consider the consolidation of Urban Growth Management (UGM) Oversize Sewer Service Areas No. 1 - 44 into a single UGM area-wide Oversize Sewer Service Area (<i>Property located in Districts 1 – 6</i>) – Public Works Department
Aug.	23 -	5:00 P.M.	HEARING re: introduction of Draft General Plan for CEQA – Development and Resource Management Department
Aug.	30 -	10:00 A.M.	HEARING re: Plan Amendment Application No. A-12-001: Approve amendment to the Fresno Yosemite International Airport Land Use Compatibility Plan, the 2025 Fresno General Plan, and the McLane, Hoover and Roosevelt Community Plans to incorporate Runway Safety Area Improvements to Runway 11L-29R and to update the noise and safety boundaries based on new airport projections
Aug.	30 -	10:15 A.M.	CONTINUED HEARING to consider the consolidation of Urban Growth Management (UGM) Oversize Sewer Service Areas No. 1 - 44 into a single UGM area-wide Oversize Sewer Service Area (<i>Property located in Districts 1 – 6</i>) – Public Works Department
Aug.	30 -	5:00 P.M.	HEARING re: approval of Draft General Plan for CEQA – Development and Resource Management Department
Sept.	6 -		NO MEETING – COUNCIL VACATION
Sept.	13 -		NO MEETING – COUNCIL VACATION
Sept.	20 -	1:00 P.M.	HEARING to adopt a resolution ordering the vacation of Sacramento Street northeast of the Fulton-Van Ness alley (<i>Property located in District 3</i>)
Sept.	20 -	1:15 P.M.	HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 46 (Final Tract Map No. 5597)(Property located in District 1) (Northeast corner of N. Garfield and W. Barstow Avenues)